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Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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The situation of Human Rights in the DRC

Introduction

The Democratic Republic of the Congo (DRC) faces the biggest humanitarian crisis in the world in recent times, a combination of war, poverty, natural disasters and tribal conflicts, as well as the difficulty of providing relief aid in many cases. Under international law, the DRC is committed to protect civilians regardless of color, gender, race or religion in accordance with the International Covenant on Civil and Political Rights.

Political developments

On January 24, 2019, opposition candidate Felix Tshisekedi was sworn in as President of the DRC. The Independent National Electoral Commission of the DRC announced that Felix Tshisekedi won the country's presidential election on December 30, 2018, with 7 million, 51, 13 votes, or 38.57% of the votes of the voters.¹

However, violent suppression of rallies of opposition main candidates Martin Fayulu and Felix Tshisekedi was practiced during the campaign period, in addition to restrictions on Martin Fayulu's movements and violent clashes between supporters of various parties. By contrast, the ruling party candidate and former Interior Minister Emmanuel Ramdani Shadry was able to conduct maritime campaigns with the full support of state officials, the use of government resources and unlimited access to state media.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR), to which the Congo is a State Party, states that "Every citizen shall have the right and the opportunity... to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

However, the presidential election in the DRC witnessed widespread violations, voter repression and violence. More than one million Congolese were unable to vote when the vote was postponed until March 2019 in three areas opposed to the state. Other voters were unable to vote due to the closure of more than 1,000 polling stations in the capital Kinshasa, problems with electronic voting machines and voter lists and the late opening of many polling stations across the country. Persons with disabilities, older persons or illiterates also faced particular difficulties in the polling stations or in the use of voting machines which had not previously been used in the DRC. Election observers were also denied access to many polling stations.

On December 31, the government shut down Internet and text messaging throughout the country, as it has done numerous times over the last four years to restrict independent reporting and information sharing. It also cut the signal for Radio France Internationale (RFI) in Kinshasa and other cities, and withdrew the accreditation for RFI's special correspondent in Congo, who had to leave Congo on January 3. Official election results that suggest a falsified count could generate widespread protests, raising grave concerns of violent government repression, many organizations said. During the campaign, large-scale ethnic violence broke out in Yumbi, in western Congo's Mai-Ndombe province, leaving at least 150 dead.²

¹ ، 16 ابريل 2019، Sputnik news - انتخاب المعارض فيليكس تشيسيكدي رئيسا للكونغو الديمقراطية، موقع <https://arabic.sputniknews.com/world/للكونغو-المعارض-تشيسيكدي-201901101038126770/>، الرابط،

² DR Congo: Voter Suppression, Violence: End Information Restrictions during Vote count, HRW, January 5, 2019, link, <https://www.hrw.org/news/2019/01/05/dr-congo-voter-suppression-violence>.

Attacks against Civilians

Fighting, since August 2016, between the army and two opposing militias have left up to 5,000 people dead, displaced 1.4 million and sent 30,000 fleeing to neighboring Angola.³ The United Nations Mission in the Democratic Republic of the Congo has also reported that 890 people were killed and thousands displaced as a result of clashes between some tribes in western Congo from 16 to 18 December 2018. Reportedly, at least 535 men, women and children were killed and 111 others injured. An estimated 19,000 people were displaced by the violence, 16,000 of whom crossed the Congo River into neighboring countries. Some reports have concluded that crimes committed in the western Congo may amount to the crimes against humanity of murder, torture, rape and other forms of sexual violence, as well as persecution.⁴

The aggravation of the humanitarian situation in the Kasai Region

The Team of International Experts appointed by the Human Rights Council confirmed that a number of the violations perpetrated by the defense and security forces, the Kamuina Nsapu militia and the Bana Mura militias since 2016 constitute crimes against humanity and war crimes. The parties to the conflict deliberately killed civilians, including children, and committed atrocities such as mutilations, rapes and other forms of sexual violence, torture, and exterminations. The Kamuina Nsapu militia also recruited children, girls and boys. Many evidences confirm the attacks were carried out against civilians of several ethnic groups in a generalized and systematic fashion constituting crimes against humanity. Some of the abuses committed could also amount to persecution based on ethnicity. The crimes and destruction continue to take place two years after the conflict began, resulting in the displacement of people, and the enslavement of women.

The violence has also resulted in an alarming humanitarian situation, affecting in particular the children in the Kasai region, the Team of International Experts warned. The Kasai crisis has led to the internal displacement of some 1.4 million people who remain in a very precarious situation. Another 35,000 people have fled to Angola. According to the World Food Programme and the Food and Agriculture Organization, about 3.2 million people continue to be severely food insecure, and malnutrition rates, especially for children, are high.⁵

Since conflict broke out in August 2016, an estimated 1.4 million people have been displaced within the region or have fled to neighbouring Angola. While approximately half of them have returned to their places of origin, 762,000 people remain internally displaced. With the hunger crisis in the Kasai region, 7.7 million people, one quarter of the population, do not have reliable access to a sufficient quantity of affordable, nutritious food. Global Acute Malnutrition rates in children under 5 have reached 14 percent, well above the 10 percent emergency threshold. 4.6 million children are acutely malnourished, including 2.2 million who suffer from severe acute malnutrition and are at risk of dying.⁶

The situation of displaced people

A UNHCR survey of seven of the DRC's 26 provinces finds around 1.5 million people in these areas of conflict have had their homes damaged or destroyed, in addition to being destitute and vulnerable to disease and exploitation. The limited scope of the survey presents only a partial picture of homelessness throughout the country. The true number of those

³ William Eagle, UN Investigator: Atrocities in DRC Fall Short of Genocide, Voa news, August 03, 2018, link, <https://www.voanews.com/a/un-investigator-atrocities-in-drc-fall-short-of-genocide/4512694.html>.

⁴ - لجنة تحقيق أممية: الجرائم الموثقة في غربي الكونغو الديمقراطية قد ترقى إلى مستوى الجرائم ضد الإنسانية، <https://news.un.org/ar/story/2019/03/1028761>. مركز أخبار الأمم المتحدة، 12 مارس 2019، الرابط،

⁵ - UN Experts conclude crimes against humanity and war crimes committed in Kasai, warn against risk of new wave of ethnic violence, Geneva, 26 June 2018, link, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23263&LangID=E>.

⁶ Democratic Republic of the Congo emergency, WFP, link, <https://www1.wfp.org/emergencies/kasai-emergency>.

displaced by deadly clashes between armed groups and government forces is probably higher. 100,000 newly displaced people, specifically in Ituri since September 2018 and that is placing even more strain and pressure on the humanitarian response there. In the eastern part of the country many people are being left without shelter and homes simply because humanitarian organizations are having difficulties with access out of fear from attacks by armed groups or Ebola virus.⁷

Since the beginning of October, Angola has forced an estimated 330,000 Congolese migrants across the border into Kasai, Kasai Central and Kwango provinces of the DRC. Mass expulsions have involved excessive force and serious violations of human rights by both Angolan and DRC security forces. The U.N. confirms six deaths and says it has unverified reports of other killings, as well as at least 100 people injured. Arguably, the continued mass expulsion of Congolese migrants from Angola could trigger a renewal of inter-ethnic violence in Kasai province.⁸

Recommendation

- To find ways for a reconciliation process that focuses on the root causes of violence, disarm militias and reintegrate and rehabilitate child soldiers into society.
- To establish a system of compensation and support for victims of rape, internally displaced persons and refugees.
- To establish an independent commission to investigate violations perpetrated by all parties to the conflict, including the security forces and the Congolese army.

⁷ Lisa Schlein, More Than 1 Million People Without Shelter in DR Congo at Risk of Diseases, Voa news, December 15, 2018, link, <https://www.voanews.com/a/more-than-one-million-people-without-shelter-in-dr-congo-at-risk-of-diseases-and-exploitation/4702026.html>

⁸ Lisa Schlein, UN: Expulsion of Congolese from Angola Could Trigger Renewed Violence in Kasai, Voa news, October 26, 2018, link, <https://www.voanews.com/a/un-expulsion-of-congolese-from-angola-could-trigger-renewed-violence-in-kasai/4630888.html>